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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WILLIAMS et al.

Group Art Unit: 2141

Application Serial No.: 10/823,478

Examiner: Nathan J. Flynn

Filed: April 13, 2004

Atty. Docket No. 0308816.0176

Title: SYSTEMS, METHODS AND DEVICES FOR A TELEMATICS WEB SERVICES
INTERFACE FEATURE

Mail Stop: Technology Center 2100

Attn: Brian L. Johnson

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313

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**REQUEST FOR RECONSIDERATION OF RENEWED PERFECTED PETITION TO MAKE
SPECIAL IN RESPONSE TO DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED
EXAMINATION) UNDER M.P.E.P. §708.02 (VII) (With attachments)**

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OF RENEWED PERFECTED PETITION TO MAKE SPECIAL
IN RESPONSE TO DECISION ON PETITION TO MAKE SPECIAL
(ACCELERATED EXAMINATION) UNDER M.P.E.P. §708.02 (VII)

Mail Stop: Technology Center 2100
Attn: Brian L. Johnson
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Mr. Johnson:

In response to the "Decision on Petition to Make Special (Accelerated Examination) under M.P.E.P. §708.02 (VII)" mailed on January 29, 2007 ("Decision") for the captioned patent application, enclosed is a renewed perfected version of the "Petition to Make Special under 37 CFR §1.102(d)" ("Petition") previously filed for the application on August 4, 2004.

It is noted that the August 4, 2004 filing date for the original Petition is prior to changes to the rules and guidelines applicable to filing and acceptance of Petitions to Make Special, and acceleration of applications generally, which came into effect on August 25, 2006

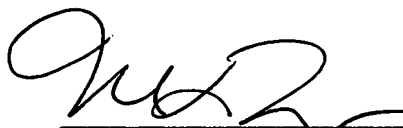
(See MPEP §708.02 and 37 CFR §1.102). Applicants submit that the comparatively more liberal rules and guidelines regarding Petitions to Make Special in effect on August 4, 2004, rather than the current rules, continue to apply to the renewed perfected Petition. Indeed, the renewed perfected Petition should be reviewed in light of the more liberal administrative policies of the Office prevailing at the time the original Petition was filed, especially considering the long and unjustified approximately two-and-a-half year delay applicants have experienced while awaiting issuance of the Decision.

Applicants submit that the renewed perfected Petition fully addresses the rejections set forth in the Decision and respectfully request reconsideration and grant of the renewed perfected Petition. Any questions regarding the present submission are invited to the attention of the undersigned representative by telephone, so that such questions may be expeditiously addressed.

Respectfully submitted,

Date: _____

3/29/2007



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Title: **SYSTEMS, METHODS AND DEVICES FOR A TELEMATICS WEB SERVICES
INTERFACE FEATURE**

* * * * *

RENEWED PERFECTED PETITION TO MAKE SPECIAL

UNDER 37 CFR §1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Commissioner:

Applicants hereby petition to make the above-identified U.S. patent application special pursuant to MPEP §708.02(VIII). Applicants have submitted herein a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references pursuant to MPEP §708.02(VIII).

If it is determined that the pending claims are not directed to a single invention, applicants will make an election without traverse as required under MPEP §708.02(VIII)(B).

Applicants submit that a pre-examination search has been made by a professional searcher in Class 701, subclasses 29, 31, 33, 35 and 207. Additionally, patent publications were searched in the European Patent Office and the Japanese Patent Office.

Enclosed herewith are copies of the following references which are deemed to be the most closely related to the subject matter encompassed by the present claims:

<u>U.S. Pat. No. / Pub. No.</u>	<u>Inventors</u>	<u>Earliest Filing Date</u>
6,487,494	Odinak et al.	March 29, 2001
6,609,051	Fiechter et al.	September 10, 2001
2003/0004624	Wilson et al.	December 20, 2001
2004/0044454	Ross et al.	July 12, 2002

THE PRESENT APPLICATION

The captioned patent application is a continuation-in-part of prior U.S. Patent Application Serial No. 10/626,810, filed July 24, 2003, which is a continuation of prior U.S. Patent Application No. 09/808,690, filed March 14, 2001. Applicants note that all of the above-listed references have earliest possible effective filing dates *after* the earliest claimed priority date of the present application, which is March 14, 2001. Accordingly, to the extent that the claims of the present application are entitled to the earliest claimed priority date, none of the above-listed references would be available to be asserted against the claims of the present application as prior art under 35 U.S.C. §§ 102, 103, for example.

Embodiments of the present application relate to a telematics system that includes a web services interface in communication with a secondary software system, wherein the web services interface comprises at least one processor configured to retrieve, receive, analyze and/or

transmit data in response to a request from the secondary software system. In addition, the telematics system includes a gateway system configured to transmit data through a network to an in-vehicle telematics device and receive data from the in-vehicle telematics device, wherein the data comprises diagnostic data and/or location-based data associated with a host vehicle. The telematics system also includes a database in communication with the gateway system and the web services interface, wherein the database is configured to receive and store data transmitted from the gateway system and/or the web services interface.

Independent Claim 1 recites:

A telematics system comprising:

a web services interface in communication with a secondary system, wherein the web services interface comprises at least one processor configured to at least one of retrieve, receive, analyze and transmit data in response to a request from the secondary system;

a gateway system configured to at least one of transmit data through a network to an in-vehicle telematics device and receive data from an in-vehicle telematics device, wherein the data comprises at least one of diagnostic data and location-based data associated with a host vehicle; and

a database in communication with the gateway system and the web services interface, wherein the database is configured to receive and store data from at least one of the gateway system and the web services interface.

Independent Claim 14 recites:

A telematics system comprising:

a gateway system configured to receive at least one of diagnostic data and location-based data associated with a host vehicle, wherein the diagnostic data and the location-based data are transmitted from an in-vehicle telematics device;

a web services interface configured to at least one of:

transmit data to at least one of a secondary system and the in-vehicle telematics device and

receive data from at least one of the secondary system and the in-vehicle telematics device; and

a database in communication with the gateway system and the web services interface, wherein the database is configured to receive and store at least one of the diagnostic data and the location-based data, wherein the diagnostic data and the location-based data are transmitted from at least one of the gateway system and the web services interface.

Independent Claim 20 recites:

A method of monitoring and communicating at least one of diagnostic data and location-based data concerning a host vehicle, the method comprising:

at least one of transmitting data to an in-vehicle telematics device and receiving at least one of diagnostic data and location-based data from the in-vehicle telematics device;

receiving a first message from a secondary system;

processing the first message;

storing data in a database;

retrieving data from the database;
processing data;
processing a web services description language file; and
transmitting a second message to the secondary system.

Independent Claim 21 recites:

An apparatus, comprising:

means for at least one of transmitting data to an in-vehicle telematics device and receiving at least one of diagnostic data and location-based data from the in-vehicle telematics device;

means for receiving a first message from a secondary system;

means for processing the first message;

means for storing data in a database;

means for retrieving data from the database;

means for processing data;

means for processing a web services description language file; and

means for transmitting a second message to the secondary system.

Independent Claim 22 recites:

A computer readable medium having stored thereon instructions which, when executed by a processor, cause the processor to:

at least one of transmit data to an in-vehicle telematics device and receive at least one of diagnostic data and location-based data from the in-vehicle telematics device;

receive a first message from a secondary system;
process the first message;
store data in a database;
retrieve data from the database;
process data;
process a web services description language file; and
transmit a second message to the secondary system.

In one exemplary embodiment, Claim 10 includes a web services interface in communication with a secondary system, wherein the web services interface comprises at least one processor configured to retrieve, receive, analyze and transmit data in response to a request from the secondary system, wherein the processor is configured to process at least one servlet module stored thereon to extract at least one parameter from a first message, and transmit the at least one parameter to at least one enterprise Java bean, wherein the at least one enterprise Java bean is a stateless session bean.

DETAILED DISCUSSION OF THE REFERENCES

As a preliminary issue regarding the requirements for a Petition to Make Special, applicants note that MPEP §708.02, Section VII states (in subpart (e)): “Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.” Applicants do not interpret this MPEP guideline as requiring a strict element-by-element comparison of all claims of the present application against the cited references. Rather,

applicants believe that it is appropriate to select and discuss a representative claim (e.g., Claim 10) to perform this comparison. Nonetheless, in the interest of expediting prosecution of the present application, applicants have herein performed a comparison of certain aspects of independent Claims 1, 14 and 20-22 against the cited references.

U.S. Pat. No. 6,487,494 - Odinak

Odinak discloses a system and method for reducing the amount of repetitive data sent by a server to a client for vehicle navigation. The system includes a computer-based vehicle unit located in a vehicle, a gateway configured to wirelessly send and receive trip information to and from the vehicle unit, and a computer-based server in communication with the gateway over a network. The vehicle unit wirelessly receives signals from a computer-based server that includes the desired navigation information in packet form. The vehicle unit includes a user interface component that presents the received navigation information and records user requests. The server processes the requests, generates a trip plan according to the navigation information and sends the generated trip plan back to the vehicle unit via a gateway when a request has been completed (see Abstract).

However, Odinak does not disclose or suggest a “web services interface” in communication with “a secondary system,” as recited in Claims 1 and 14. As described in the present application, a “web services interface 14 may be based on Extensible Markup Language (“XML”), a computer language that encloses data in ‘documents’ that are portable between software applications.” (see para. [0029]). Also in the present application, the “secondary software system 15 may be an end-user application such as, for example, a web site and/or a software system capable of providing web services.” (see para. [0030]). Odinak seems to be

focused only on providing navigational directions to a driver in a vehicle, and does not mention a “web site” or other like interface that a user can access through a “secondary system” in accordance with the present claims.

In addition, Odinak does not teach or suggest a system that can be configured to process both “the diagnostic data and the location-based data . . . transmitted from an in-vehicle telematics device.” (see, e.g., Claim 14, and note that similar limitations are also included in the other independent Claims 1 and 20-22). Again, Odinak appears to concern itself only with navigational and GPS-related data and information.

Furthermore, Claims 20-22 of the present application recite, among other elements: “processing a web services description language file” (see Claim 20); “means for processing a web services description language file” (see Claim 21); and, “. . . instructions which, when executed by a processor, cause the processor to: . . . process a web services description language file” (see Claim 22). Odinak does not teach, disclose or suggest “processing a web services description language file” as recited in Claims 20-22 of the present application. In the specification of the present application it is stated that a “stateless session EJB 18 may include computer code that instructs the web services interface 14 to process a web services description language (WSDL) file.” (see para. [0043]). Odinak does not teach, disclose or suggest “a web services language file” or processes related thereto, as recited in the claims of the present application.

U.S. Pat. No. 6,609,051 - Fiechter

Fiechter discloses a method and system for an improved vehicle monitoring system in order to provide a cost-effective and scalable system design for industrial application

through the use of machine learning and data mining technologies on data acquired from a plurality of vehicles to create models. Frequent acquisition of vehicle sensor and diagnostic data enables comparison with the created models to provide continuing analysis of the vehicle with respect to repair, maintenance and diagnostics. (see Abstract).

In contrast to the claims of the present application, Fiechter does not teach or suggest a system that can be configured to process both “the diagnostic data and the location-based data . . . transmitted from an in-vehicle telematics device.” (see, e.g., Claim 14, and note that analogous limitations are also included in the other independent Claims 1 and 20-22). Fiechter appears to concern itself only with diagnostics information affecting a vehicle, and not navigational or location-based data and information. In addition, Fiechter does not teach or suggest a “database” configured to receive and store both “diagnostic data” and “location-based data” in accordance with Claims 1 and 14, for example.

Furthermore, Claims 20-22 recite, among other elements: “processing a web services description language file” (see Claim 20); “means for processing a web services description language file” (see Claim 21); and, “. . . instructions which, when executed by a processor, cause the processor to: . . . process a web services description language file” (see Claim 22). Fiechter does not teach, disclose or suggest “processing a web services description language file” as recited in Claims 20-22 of the present application. In the specification of the present application it is stated that a “stateless session EJB 18 may include computer code that instructs the web services interface 14 to process a web services description language (WSDL) file.” (see para. [0043]). Fiechter does not teach, disclose or suggest “a web services language file” or processes related thereto, as recited in the claims of the present application.

U.S. Pat. Pub. No. 2003/0004624 - Wilson

Wilson discloses a system and method for monitoring operating parameters of a machine (such as a vehicle) and producing diagnostic and/or prognostic results. Active, semi-active, or semi-passive sensors are wirelessly linked with an interrogator that selectively interrogates the sensors, such as through transponders in wired communication with the sensors. A data concentrator or processor analyzes data from certain sensors and generates diagnostic/prognostic conclusions, in some cases using additional data selectively requested from and acquired by the sensors. In some embodiments, raw or abstracted data is communicated with a management center that provides troubleshooting information (again, possibly using additional, selectively acquired data), makes resource management decisions (such as preparing parts or labor resources to make a repair), and tracks problems in all or a subset of the machines being managed. (see Abstract).

However, Wilson does not disclose or suggest a “web services interface” in communication with “a secondary system,” as recited in Claims 1 and 14. As described in the present application, a “web services interface 14 may be based on Extensible Markup Language (“XML”), a computer language that encloses data in ‘documents’ that are portable between software applications.” (see para. [0029]). Also in the present application, the “secondary software system 15 may be an end-user application such as, for example, a web site and/or a software system capable of providing web services.” (see para. [0030]). Wilson does not mention a “web site” or other like interface that a user can access through a “secondary system” in accordance with the present claims.

In addition, Wilson does not teach or suggest a system that can be configured to process both “the diagnostic data and the location-based data . . . transmitted from an in-vehicle

telematics device.” (see, e.g., Claim 14, and note that similar limitations are also included in the other independent Claims 1 and 20-22). Wilson appears to concern itself only with diagnostics information affecting a vehicle, and not navigational or location-based data and information. Wilson does not teach or suggest a “database” configured to receive and store both “diagnostic data” and “location-based data” in accordance with Claims 1 and 14, for example.

Furthermore, Claims 20-22 recite, among other elements: “processing a web services description language file” (see Claim 20); “means for processing a web services description language file” (see Claim 21); and, “. . . instructions which, when executed by a processor, cause the processor to: . . . process a web services description language file” (see Claim 22). Wilson does not teach, disclose or suggest “processing a web services description language file” as recited in Claims 20-22 of the present application. In the specification of the present application it is stated that a “stateless session EJB 18 may include computer code that instructs the web services interface 14 to process a web services description language (WSDL) file.” (see para. [0043]). Wilson does not teach, disclose or suggest “a web services language file” or processes related thereto, as recited in the claims of the present application.

U.S. Pat. Pub. No. 2004/0044454 - Ross

Ross discloses a method for providing vehicle settings to a telematics unit in a mobile vehicle that includes receiving a vehicle settings update signal at a call center from the telematics unit and sending vehicle settings from the call center to the telematics unit. The method may additionally include implementing the vehicle settings in the mobile vehicle. The method may further include sending an update flag signal from the call center to the telematics unit. The method may additionally include receiving at least one user preference at the call center

via a web portal interface. The step of receiving at least one user preference may further include sending an update flag signal from the call center to the telematics unit responsive to receiving the at least one user preference at the call center via the web portal interface. (see Abstract).

Claims 20-22 of the present application recite, among other elements: “processing a web services description language file” (see Claim 20); “means for processing a web services description language file” (see Claim 21); and, “. . . instructions which, when executed by a processor, cause the processor to: . . . process a web services description language file” (see Claim 22). Ross does not teach, disclose or suggest “processing a web services description language file” as recited in Claims 20-22 of the present application. In the specification of the present application it is stated that a “stateless session EJB 18 may include computer code that instructs the web services interface 14 to process a web services description language (WSDL) file.” (see para. [0043]). Ross does not teach, disclose or suggest “a web services language file” or processes related thereto, as recited in the claims of the present application.

SUMMARY

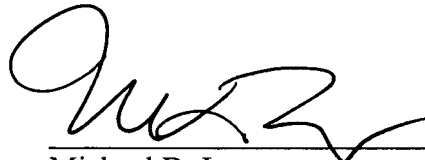
In summary, Odinak, Fiechter, Wilson, and Ross fail to disclose or suggest one or more of the elements in the independent claims as described above. Furthermore, applicants submit that there is no suggestion to combine the references to render the subject matter of the claims, when taken as a whole, obvious within the meaning of 35 U.S.C. §103.

The present application claims subject matter which is not disclosed, taught or suggested by the foregoing references and/or which may be contained in a reference that cannot be applied as prior art. Therefore, the present claims are patentable in view of the cited references, and grant of this renewed perfected Petition to Make Special and expedited examination of the claims in the present application are earnestly solicited.

Date: _____

3/29/2007

Respectfully submitted,



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